

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHARON JOYNER, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

JACKBOX GAMES, INC.,

Defendant.

1:22-cv-05497 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

By letter dated October 4, 2022, the parties jointly stated that they consent to a magistrate judge and request a settlement conference. ECF No. 14 at 4. In response, on October 6, 2022, the Court referred this case to the Magistrate Judge for General Pretrial Purposes, including settlement. ECF Nos. 15-16. The Court also directed the parties file a Notice, Consent, and Reference of a Civil Action to a Magistrate Judge if, as their October 4, 2022 letter suggested, they consent to proceed before the Magistrate Judge for all purposes.

On October 12, 2022, Defendant filed a Motion to Dismiss. ECF No. 17. This submission was untimely, as the Court ordered Defendant to respond to the Amended Complaint no later than September 29, 2022. ECF No. 11. By letter dated October 20, 2022, Plaintiff requested that the Court deny the Motion to Dismiss as untimely. ECF No. 20. Also on October 20, 2022, the parties reported that they do not consent to proceed before a Magistrate Judge for all purposes. ECF No. 19.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is denied without prejudice and with leave to refile the motion within **ten days after the completion of a settlement conference** before the Magistrate Judge and upon a motion, pursuant to Federal Rule


of Civil Procedure 6(b)(1)(B), showing that Defendant's untimely response to the Amended Complaint was due to excusable neglect.

IT IS FURTHER ORDERED that, if the parties have not already done so, they shall contact the Chambers of Magistrate Judge Willis no later than **October 27, 2022** to schedule a settlement conference.

The Clerk of Court is respectfully directed to terminate ECF No. 17.

Dated: October 21, 2022
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge